

6. Venue is premised on the place of business of Plaintiffs and is proper in this district under 5 U.S.C. § 552(a)(4)(B).

7. Defendant DOJ has failed to meet the statutory deadline set by FOIA. *See* 5 U.S.C. § 552(a)(6)(A). Plaintiffs are therefore deemed to have exhausted all administrative remedies, pursuant to 5 U.S.C. § 552(a)(6)(C).

FACTS

8. On June 1, 2018, Plaintiffs submitted a FOIA request to DOJ (FY18-135) seeking “the following OLC memo: Memorandum Opinion for the Counsel to the President, from Karl R. Thompson, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Re: Authority to Use Military Force in Iraq (Dec. 30, 2014).” The request further noted that the memo “was cited on page 11 of the May 31, 2018, OLC opinion ‘April 2018 Airstrikes Against Syrian Chemical-Weapons Facilities’ but has not yet been published by the office.”

9. On July 27, 2018, DOJ acknowledged receipt of the FOIA request and assigned the request to the “complex” processing track.

10. DOJ has failed to respond to Plaintiffs’ FOIA request within the statutory time frame required under FOIA.

COUNT

11. Plaintiffs repeat, reallege, and reincorporate the allegations in the foregoing paragraphs as though fully set forth herein.

12. Defendant DOJ is subject to FOIA and must therefore release in response to a FOIA request any disclosable records in its possession at the time of the request and provide a lawful reason for withholding any materials as to which it is claiming an exemption.

13. DOJ has failed to meet the statutory deadline set by FOIA. *See* 5 U.S.C. § 552(a)(6)(A). Accordingly, Plaintiffs are deemed to have exhausted their administrative remedies under FOIA.

14. DOJ has no lawful basis for declining to release the records requested by Plaintiffs under FOIA.

15. Accordingly, Plaintiffs are entitled to an order compelling DOJ to produce records responsive to their FOIA request.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

16. Declare that the documents sought by their FOIA request, as described in the foregoing paragraphs, are public under 5 U.S.C. § 552 and must be disclosed;

17. Order DOJ to provide the requested documents to Plaintiffs within 20 business days of the Court's order;

18. Award Plaintiffs the costs of this proceeding, including reasonable attorneys' fees, as expressly permitted by FOIA; and

19. Grant Plaintiffs such other and further relief as this Court deems just and proper.

Dated: New York, NY
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_____/s/_____
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